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OFFICE OF PETITIONS

In re Application of	:	
Lauterbach et al.	:	
Application No. 10/789,949	:	ON PETITION
Filed: 27 February, 2004	:	
Attorney's Docket No. 13913-	:	
166001/2003P00111 U	:	

This is a decision on the petition filed on 16 June, 2004, requesting that the above-identified application be accorded a filing date of 27 February, 2004, with Figures 19 and 20 described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 27 February, 2004.

Accordingly, on 26 May, 2004, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, stating that, *inter alia*, the application had been accorded a filing date of 26 May, 2004, but that Figures 19 and 20 described in the specification appeared to have been omitted. The statutory basic filing fee, additional claim fees, an oath or declaration, and a surcharge for their late filing was also required.

In response, on 16 June, 2004, the present petition and 18 sheets of drawings, including two (2) sheets of drawings containing Figures 19 & 20 described in the specification was filed. The fees and an executed oath or declaration were also filed.

Petitioners argue that the sheets of drawings containing Figures 19 and 20 were filed with the other application papers on 27 February, 2004, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of

petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 02/27/04, the above-identified application number, and identifies the application by the first named inventor's name, attorney docket number, and invention title, and acknowledges receipt of, *inter alia*, "Drawings (formal, 18 sheets)". Petitioners request that the application, including two (2) sheet of drawings containing Figures 18 & 19 described in the specification, be accorded a filing date of 27 February, 2004.

A review of the record reveals that no sheets of drawings containing Figures 18 & 19 described in the specification has been located among the application papers received on 27 February, 2004. However, the evidence is convincing that the application papers deposited on 27 February, 2004, included 18 sheets of formal drawings, two (2) of which included Figures 19 & 20 described in the specification, which were subsequently misplaced in the Office. Therefore, the application, including two (2) sheet of drawings containing Figures 18 and 19 described in the specification, is entitled to a filing date of 27 February, 2004.

The "Notice" mailed on 26 May, 2004, is vacated to the extent that it states that Figures 19 & 20 appear to be omitted from the application.

In view of the above, the petition is granted. The petition fee of \$130.00 is unnecessary and will be refunded to counsel's deposit account, No. 06-1050.

The application will be processed with the two (2) sheets of drawings containing Figures 19 & 20 supplied with the present petition, as a part of the original disclosure. The copies of the other sheets of drawings supplied with the present petition will not be processed or examined, but will be retained in the application file.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 27 February, 2004, using the application papers filed on that date, and the two (2) sheet of drawings containing Figures 19 & 20 supplied with the present petition, and an indication in Office records that 18 sheets of drawings were present on filing.

Application No. 10/789,949

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Telephone inquiries should be directed to the undersigned at 703-308-6918.

A handwritten signature in black ink, appearing to read "D. Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

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10 REASON:		Treasury Check									
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	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center;"> <tr> <td>0</td><td>6</td><td>--</td><td>1</td><td>0</td><td>5</td><td>0</td> </tr> </table>			0	6	--	1	0	5	0
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